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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: VOLKSWAGEN “CLEAN
9 DIESEL” MARKETING, SALES
10 PRACTICES, AND PRODUCTS
11 LIABILITY LITIGATION

Case No. [16-cv-03435-CRB](#)

**ORDER DIRECTING PLAINTIFF
RESPONSE**

12 This Document Relates to:

13 *BRS v. Volkswagen AG, et al., No. 16-cv-
3435*

14 The Court is in receipt of a letter from Defendants regarding an undecided motion
15 for summary judgment in BRS v. Volkswagen AG, et al. (the “Bondholder Action”). See
16 Letter (dkt. 8210); see MSJ (dkt. 6423). That motion was initially decided by this Court in
17 2021, but later reversed and remanded for further consideration by the Ninth Circuit. See
18 In re Volkswagen “Clean Diesel” Mktg., Sales Practices & Prods. Liab. Litig., 2 F.4th
19 1199, 1209 (9th Cir. 2021). Plaintiff has not filed a response to Defendants’ letter.

20 Given the several years that have passed without any action in the Bondholder
21 Action, and other intervening events as described in Defendants’ letter, the Court
22 DIRECTS Plaintiff to file a response indicating: (1) whether Plaintiff intends to continue
23 prosecuting the Bondholder Action; and (2) if so, Plaintiff’s position regarding the need for
24 additional discovery prior to the Court’s ruling on Defendants’ motion for summary
25 judgment, and specifically, whether Plaintiff’s position has changed from its last
26 correspondence in the parties’ joint case management statement. See dkt. 7906. Plaintiff
27 shall file its response **within 10 days** of this order.
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IT IS SO ORDERED.

Dated: April 3, 2024



CHARLES R. BREYER
United States District Judge